

shall be eligible to receive from the United States compensation that is the greater of (i) \$400,000, or (ii) an amount equal to the fair market value (as of the date of relinquishment) of the commercial fishing permit for Dungeness crab, together with an amount equal to the present value of the foregone net income from commercial fishing for Dungeness crab for for [sic] the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period. In addition, such individual shall be eligible to receive from the United States fair market value for any Dungeness crab pots, related gear, and not more than one Dungeness crab fishing vessel if such individual chooses to relinquish to the United States such pots, related gear, or vessel. Any individual seeking such compensation shall provide the consent necessary for the Secretary of the Interior to verify such net earnings in the fishery. The Secretary of the Interior's determination of the amount to be paid shall be completed and payment shall be made within six months from the date of application by the individuals described in this subsection and shall constitute final agency action subject to review pursuant to the Administrative Procedures [Procedure] Act [5 U.S.C. 551 et seq.; 701 et seq.] in the United States District Court for the District of Alaska.

“(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide \$23,000,000 for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.

“(d) DEFINITION AND SAVINGS CLAUSE.—

“(1) As used in this section, the term ‘Glacier Bay Proper’ shall mean the marine waters within Glacier Bay, including coves and inlets, north of a line drawn from Point Gustavus to Point Carolus.

“(2) Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National Park, or the tidal or submerged lands under any provision of State or Federal law.

“(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) and shall provide an opportunity for public comment of no less than 45 days on such interim final rule. The final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) shall be published in the Federal Register no later than September 30, 1999 and shall take effect on September 30, 1999, except that the limitations in paragraphs (3) through (5) of such subsection shall not apply with respect to halibut fishing until November 15, 1999 or salmon troll fishing until December 31, 1999. In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.”

§ 410hh-5. Withdrawal of lands from mining and mineral leasing

Subject to valid existing rights, and except as explicitly provided otherwise in this Act, the Federal lands within units of the National Park System established or expanded by or pursuant to this Act are hereby withdrawn from all forms of appropriation or disposal under the public land laws, including location, entry, and patent

under the United States mining laws, disposition under the mineral leasing laws, and from future selections by the State of Alaska and Native Corporations.

(Pub. L. 96-487, title II, § 206, Dec. 2, 1980, 94 Stat. 2384.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

SUBCHAPTER LIX-G—CHACO CULTURE NATIONAL HISTORICAL PARK

§ 410ii. Findings and purpose

(a) The Congress finds that—

(1) archeological research in the San Juan Basin conducted over the past several years has greatly increased public knowledge of the scope of the prehistoric culture referred to as Chacoan Anasazi;

(2) the discoveries and the increased general interest in the Chaco phenomenon have come at a time when the San Juan Basin is experiencing extensive exploration and development for a wide variety of energy-related resources, including coal, uranium, oil, and natural gas;

(3) development of the San Juan Basin's important natural resources and the valid existing rights of private property owners will not be adversely affected by the preservation of the archeological integrity of the area; and

(4) in light of the national significance of the Chacoan sites and the urgent need to protect them, continued cooperation between Federal agencies and private corporations is necessary to provide for development in the San Juan Basin in a manner compatible with preservation and archeological research.

(b) It is the purpose of this subchapter to recognize the unique archeological resources associated with the prehistoric Chacoan culture in the San Juan Basin and surrounding areas; to provide for the preservation and interpretation of these resources; and to facilitate research activities associated with these resources.

(Pub. L. 96-550, title V, § 501, Dec. 19, 1980, 94 Stat. 3227; Pub. L. 104-11, § 2, May 18, 1995, 109 Stat. 158.)

AMENDMENTS

1995—Subsec. (b). Pub. L. 104-11 substituted “San Juan Basin and surrounding areas” for “San Juan Basin”.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-413, § 1, Oct. 30, 2004, 118 Stat. 2325, provided that: “This Act [enacting provisions set out as a note under section 410ii-6 of this title] may be cited as the ‘Hibben Center Act’.”

SHORT TITLE OF 1995 AMENDMENT

Section 1 of Pub. L. 104-11 provided that: “This Act [amending this section and sections 410ii-1, 410ii-3, and 410ii-5 of this title] may be cited as the ‘Chacoan Outliers Protection Act of 1995’.”

§ 410ii-1. Establishment**(a) Abolition of Chaco Canyon National Monument**

There is hereby established in the State of New Mexico, the Chaco Culture National Historical Park comprising approximately thirty three thousand nine hundred and eighty nine acres as generally depicted on the map entitled "Chaco Culture National Historical Park", numbered 310/80,032-A and dated August 1979. The Chaco Canyon National Monument is hereby abolished, as such, and any funds available for the purpose of the monument shall be available for the purpose of the Chaco Culture National Historical Park.

(b) Designation of Chaco Culture Archeological Protection Sites

(1) Thirty-nine outlying sites as generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033-B and dated September 1991, are hereby designated as "Chaco Culture Archeological Protection Sites". The thirty-nine archeological protection sites totaling approximately 14,372 acres¹ identified as follows:

Name:	Acres
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jaquez	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Morris 41	85
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60.

(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection

in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.

(Pub. L. 96-550, title V, § 502, Dec. 19, 1980, 94 Stat. 3227; Pub. L. 104-11, § 3, May 18, 1995, 109 Stat. 158.)

AMENDMENTS

1995—Subsec. (b). Pub. L. 104-11 designated existing provisions as par. (1), increased number of outlying protection sites from 33 to 39, updated number designation and date on site designation maps, increased total acreage from 8,771 to 14,372 acres, and added par. (2).

§ 410ii-2. Repealed. Pub. L. 104-333, div. I, title VIII, § 814(d)(1)(B), Nov. 12, 1996, 110 Stat. 4196

Section, Pub. L. 96-550, title V, § 503, Dec. 19, 1980, 94 Stat. 3228, related to additions and deletions to Chaco Culture Archeological Protection Sites.

§ 410ii-3. Acquisition of properties**(a) Methods of acquisition**

The Secretary is authorized to acquire lands, waters, and interests therein within the boundaries of the Chaco Culture National Historical Park (hereinafter referred to as the "park") and the archeological protection sites as identified in section 410ii-1 of this title by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of New Mexico or any political subdivision thereof, may be acquired by exchange or donation only. Property held in trust for the benefit of any Indian tribe or for the benefit of any individual member thereof may be acquired only with the consent of such owner or beneficial owner as the case may be.

(b) Conveyance by tribal authorities

The respective tribal authorities are authorized to convey by exchange, purchase, on¹ donation the beneficial interest in any lands designated by section 410ii-1 of this title and held in trust by the United States for the respective tribes, to the Secretary, subject to such terms and conditions as the tribal authority deems necessary and which the Secretary deems are consistent with the purposes of this subchapter.

(c) Private properties; acquisition by exchange and cooperative agreements

(1) The Secretary shall attempt to acquire private lands or interests therein by exchange prior to acquiring lands by any other method authorized pursuant to this section.

(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements (pursuant to section 410ii-4 of this title) to accomplish the purposes of archeological resource protection at those sites described in section 410ii-1(b) of this title that remain in private ownership.

¹ So in original. Probably should be "acres are".

¹ So in original. Probably should be "or".

(d) Exchange of Federal property; pool, acreage designation

(1) For purposes of completing an exchange pursuant to subsections (a) and (b) of this section, the Secretary shall designate a pool of at least three times the private acreage described in subsections (a) and (b) of this section, comprised of Federal property interests of a similar resource character to property to be exchanged. Federal property shall, whenever possible, be designated in blocks of at least one section in size, but in no event shall the blocks designated be less than one-quarter of a section in size.

(2) The Secretary may include within the pool any Federal property under his jurisdiction except units of the National Park System, National Forest System, or the National Wildlife Refuge System that are nominated by the owner of the private property to be exchanged. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal values.

(e) Federal lands exchanged for non-Federal property

All Federal lands, waters, and interests therein excluded from the boundaries of Chaco Canyon National Monument by this subchapter may be exchanged for non-Federal property to be acquired pursuant to this subchapter. Any lands so excluded shall be managed by the Secretary under the provisions of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.]. Transfer of administration of such lands to the Bureau of Land Management shall not be considered a withdrawal as that term is defined in section 103(j) of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1702(j)].

(Pub. L. 96-550, title V, § 504, Dec. 19, 1980, 94 Stat. 3228; Pub. L. 104-11, § 4, May 18, 1995, 109 Stat. 159.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (e), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

AMENDMENTS

1995—Subsec. (c)(2). Pub. L. 104-11 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall attempt to enter into cooperative agreements pursuant to section 410ii-4 of this title with owners of private property for those archeological protection sites described in section 410ii-1(b) of this title. The Secretary shall acquire fee title to any such private property only if it is necessary to prevent direct and material damage to, or destruction of, Chaco cultural resources and no cooperative agreement with the owner of the private property interest can be affected.”

§ 410ii-4. Cooperative agreements for the protection, preservation, and maintenance of archeological resources

The Secretary shall seek to enter into cooperative agreements with the owners, including the

beneficial owners, of the properties located in whole in or in part within the park or the archeological protection sites. The purposes of such agreements shall be to protect, preserve, maintain, and administer the archeological resources and associated site regardless of whether title to the property or site is vested in the United States. Any such agreement shall contain provisions to assure that (1) the Secretary, or his representative, shall have a right of access at all reasonable times to appropriate portions of the property for the purpose of cultural resource protection and conducting research, and (2) no changes or alterations shall be permitted with respect to the cultural resources without the written consent of the Secretary. Nothing in this subchapter shall be deemed to prevent the continuation of traditional Native American religious uses of properties which are the subject of cooperative agreements.

(Pub. L. 96-550, title V, § 505, Dec. 19, 1980, 94 Stat. 3229.)

§ 410ii-5. Administration

(a) Laws governing

The Secretary shall administer the park in accordance with the provisions of this subchapter and the provisions of law generally applicable to the administration of units of the National Park System, including sections 1, 2, 3, and 4 of this title and sections 461 to 467 of this title.

(b) Protection, preservation, and maintenance of cultural resources

The Secretary shall protect, preserve, maintain, and administer the Chaco Culture Archeological Protection Sites, in a manner that will preserve the Chaco cultural resource and provide for its interpretation and research. Such sites shall be managed by the Secretary in accordance with the provisions of this subchapter and the provisions of law generally applicable to public lands as defined in section 1702(e) of title 43: *Provided, however*, That lands held in trust by the Secretary for an Indian tribe or any individual member thereof, or held in restricted fee status shall continue to be so managed or held by the Secretary.

(c) Activities endangering cultural values prohibited

No activities shall be permitted upon the upper surface of the archeological protection sites which shall endanger their cultural values. For the purposes of this subchapter, upper surface shall be considered to extend to a depth of twenty meters below ground level. Nothing in this subchapter shall be deemed to prevent exploration and development of subsurface oil and gas, mineral, and coal resources from without the sites which does not infringe upon the upper surface of the sites.

(d) Livestock grazing permitted

Nothing in this subchapter shall be deemed to prevent the continuation of livestock grazing on properties which are the subject of cooperative agreements.

(e) General management plan; transmittal to Congress

Within three complete fiscal years from December 19, 1980, the Secretary shall transmit to

the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a general management plan for the identification, research, and protection of the park, pursuant to the provisions of section 1a-7(b) of this title, to be developed by the Director, National Park Service, in consultation with the Directors, Bureau of Land Management and Bureau of Indian Affairs and the Governor, State of New Mexico, and a joint management plan for the identification, research, and protection of the archeological protection sites, to be developed by the Director, National Park Service, in consultation and concurrence with the Directors, Bureau of Land Management and Bureau of Indian Affairs, and the Governor, State of New Mexico.

(f) Assistance to Navajo Nation

The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on land under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended [25 U.S.C. 450 et seq.], to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement. This cooperative assistance shall include assistance with the development of a Navajo facility to serve those who seek to appreciate the Chacoan Outlier Sites.

(Pub. L. 96-550, title V, §506, Dec. 19, 1980, 94 Stat. 3229; Pub. L. 104-11, §5, May 18, 1995, 109 Stat. 159.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Act, referred to in subsec. (f), probably means the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

AMENDMENTS

1995—Subsec. (f). Pub. L. 104-11 added subsec. (f).

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 410ii-6. Research and data gathering

(a) Plan for continued operational program; submittal to Congress

Consistent with and in furtherance of the purposes of the Division of Cultural Research of the Southwest Cultural Resources Center, operated by the National Park Service, the Secretary shall continue such research and data gathering activities as may be appropriate to further the purposes of this subchapter and knowledge of

the Chaco culture. The Secretary shall submit in writing within six months of the effective date of this section, to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a plan for the continued operational program of the Division. The Secretary is authorized and encouraged to establish a committee composed of professional archeologists and others with related professional expertise including the designee of the Governor of the State of New Mexico to advise the Secretary in matters related to the surveying, excavation, curation, interpretation, protection, and management of the cultural resources of the historical park and archeological protection sites.

(b) Computer-generated data base; furnishing of information to Federal and private groups

The Secretary shall, through the Division of Cultural Research of the Southwest Cultural Resources Center of the National Park Service, be responsible for the development of a computer-generated data base of the San Juan Basin, and make such information available to Federal and private groups when to do so will assist such groups in the preservation, management, and development of the resources of the basin.

(c) Opportunity for Secretary to comment on proposed expenditures and permits

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters in the archeological protection sites, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall prior to the approval of the expenditure of any Federal funds on such undertaking, or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment in writing with regard to such undertaking and its effect upon such sites, and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which such sites are established.

(Pub. L. 96-550, title V, §507, Dec. 19, 1980, 94 Stat. 3230.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (a), probably means the date of enactment of Pub. L. 96-550, which was approved Dec. 19, 1980.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

COOPERATIVE AGREEMENTS FOR CURATION AND RESEARCH

Pub. L. 108-413, §4, Oct. 30, 2004, 118 Stat. 2325, provided that: "The Secretary [of the Interior] may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico."

§ 410ii-7. Authorization of appropriation

Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter but not to exceed \$11,000,000 for acquisition and \$500,000 for development.

(Pub. L. 96-550, title V, § 508, Dec. 19, 1980, 94 Stat. 3231.)

SUBCHAPTER LIX—H—KALAUPAPA
NATIONAL HISTORICAL PARK

§ 410jj. Establishment

In order to provide for the preservation of the unique nationally and internationally significant cultural, historic, educational, and scenic resources of the Kalaupapa settlement on the island of Molokai in the State of Hawaii, there is hereby established the Kalaupapa National Historical Park (hereinafter referred to as the “park”).

(Pub. L. 96-565, title I, § 101, Dec. 22, 1980, 94 Stat. 3321.)

§ 410jj-1. Purposes

The Congress declares the following to constitute the principal purposes of the park:

(1) to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations;

(2) to provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features; and to provide for limited visitation by the general public; and

(3) to provide that the preservation and interpretation of the settlement be managed and performed by patients and Native Hawaiians to the extent practical, and that training opportunities be provided such persons in management and interpretation of the settlement's cultural, historical, educational, and scenic resources.

(Pub. L. 96-565, title I, § 102, Dec. 22, 1980, 94 Stat. 3321.)

§ 410jj-2. Boundaries; revisions of boundary; publication in Federal Register

The boundaries of the park shall include the lands, waters, and interests therein within the area generally depicted on the map entitled “Boundary Map, Kalaupapa National Historical Park”, numbered P07-80024, and dated May 1980, which shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the “Secretary”) may make minor revisions in the boundary of the park by publication of a revised boundary map or other description to that effect in the Federal Register.

(Pub. L. 96-565, title I, § 103, Dec. 22, 1980, 94 Stat. 3321.)

§ 410jj-3. Acquisition of lands and interests**(a) State- or locally-owned lands; manner of acquisition**

Within the boundary of the park, the Secretary is authorized to acquire those lands owned by the State of Hawaii or any political subdivision thereof only by donation or exchange, and only with the consent of the owner. Any such exchange shall be accomplished in accordance with the provisions of sections¹ 460l-22(b) and (c)² of this title. Any property conveyed to the State or a political subdivision thereof in exchange for property within the park which is held in trust for the benefit of Native Hawaiians, as defined in the Hawaiian Homes Commission Act of 1920 shall, as a matter of Federal law, be held by the grantee subject to an equitable estate of the same class and degree as encumbers the property within the preserve; and “available lands” defined in section 203 of the Hawaiian Homes Commission Act may be exchanged in accordance with section 204 of said Act. The vesting of title in the United States to property within the park shall operate to extinguish any such equitable estate with respect to property acquired by exchange within the park. The Secretary may lease from the Department of Hawaiian Home Lands said trust lands until such time as said lands may be acquired by exchange as set forth herein or otherwise acquired. The Secretary may enter into such a lease without regard to fiscal year limitations.

(b) Privately-owned lands; manner of acquisition

The Secretary is authorized to acquire privately-owned lands within the boundary of the park by donation, purchase with donated or appropriated funds, or exchange.

(c) Lands outside of boundary of park and other units of National Park System within State; manner of acquisition

The Secretary is authorized to acquire by any of the foregoing methods except condemnation, lands, waters, and interests therein outside the boundary of the park and outside the boundaries of any other unit of the National Park System but within the State of Hawaii, and to convey the same to the Department of Hawaiian Home Lands in exchange for lands, waters, and interests therein within the park owned by that Department. Any such exchange shall be accomplished in accordance with the provisions defined in subsection (a) of this section.

(Pub. L. 96-565, title I, § 104, Dec. 22, 1980, 94 Stat. 3321; Pub. L. 100-202, § 101(g) [title I, § 100], Dec. 22, 1987, 101 Stat. 1329-213, 1329-220.)

REFERENCES IN TEXT

Subsection (c) of section 460l-22, referred to in subsec. (a), was redesignated subsection (d) and a new subsection (c) was added by Pub. L. 98-506, § 2, Oct. 19, 1984, 98 Stat. 2338.

The Hawaiian Homes Commission Act of 1920, referred to in subsec. (a), probably means the Hawaiian

¹ So in original. Probably should be “section”.

² See References in Text note below.